

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

January 16, 2001
8:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Deputy Mayor Marshall, Councilmembers Creighton, Davidson, Degginger, Lee, and Noble

ABSENT: Mayor Mosher

1. Call to Order

The meeting was called to order at 8:02 p.m. by Deputy Mayor Marshall, who presided.

2. Roll Call, Flag Salute

Upon roll call by the City Clerk, all Councilmembers except Mayor Mosher were present. Dr. Davidson led the flag salute.

(a) Flood Protection Recognition

Utilities Director Lloyd Warren provided opening remarks on floodplain ratings and flood protection. David de Courcy, Regional Director of the Federal Emergency Management Agency (FEMA), described FEMA's work with local communities through the National Flood Insurance Program. The program uses a Community Rating System (CRS) to reward communities for mitigating flood risks that threaten residents.

Mr. de Courcy presented an award to the City of Bellevue in recognition of achieving a Class 6 rating, which places Bellevue in the top four percent of participating communities. As a result, property owners will now save 20 percent (instead of 15 percent) on floodplain insurance premiums. Mr. de Courcy praised the work of Brian Ward and Pam Maloney in the Utilities Department and Barb Graff, Emergency Preparedness Manager, Fire Department. Mr. de Courcy introduced Tammy Doherty, Deputy Regional Director, who will become Acting Regional Director as of January 20.

3. Communications: Written and Oral

- (a) Dale Ward, 3820 140th Avenue NE, spoke in favor of extending the walkway on 140th Avenue NE to improve pedestrian safety. He said the Bridle Trails Comprehensive Plan encourages the City to make non-motorized, interim improvements where major capital projects are not imminent (Policy SB-25). Last year, this project received 384 votes in favor of funding through the Neighborhood Enhancement Program. However, it was not selected for implementation by the City. Mr. Ward asked Council to fund this project.
- (b) Ralph Guditz, 3929 179th Lane SE, lives in the West Lake Sammamish Potential Annexation Area (PAA) and owns property zoned R-24 (24 units per acre). He has spent the past two years and more than \$100,000 to comply with King County's permitting process. Based upon King County's rules, Mr. Guditz said the permits became fully vested on October 4, 2000, and should be issued February 1, 2001. He said the City of Bellevue is now questioning the zoning, which has been in effect for a minimum of 62 years according to King County's records. He said there is a 54-unit townhouse complex next door to his property. He requested an explanation of the City's position regarding zoning for his property.

Deputy Mayor Marshall indicated staff will respond in writing to Mr. Guditz's concerns.

- (c) Chris Cook started to comment on an odor control plant in the Wilburton area. Noting tonight's public hearing on a proposed street vacation, Deputy Mayor Marshall suggested he provide his comments under agenda item 9(b).

4. Reports of Community Councils, Boards and Commissions: None.

5. Report of the City Manager

- (a) Reappointment to Bellevue Convention Center Authority Board

City Manager Steve Sarkozy noted his recommendation to reappoint Clare Nordquist to the Bellevue Convention Center Authority (BCCA) Board and requested Council's concurrence.

- ➡ Mr. Degginger moved that Council concur with the reappointment of Clare Nordquist to the Bellevue Convention Center Authority (BCCA) Board, and Mr. Noble seconded the motion.
- ➡ The motion to concur with the reappointment of Clare Nordquist to the BCCA Board carried by a vote of 6-0.

- (b) Management Brief Regarding City's Copier Contract

Mr. Sarkozy said a number of issues regarding the City's copier contract have led to a decision by staff to reject all proposals and initiate a revised Request for Proposal (RFP) process. He

proposed that staff return to Council with a recommendation on the copier contract within 60 to 90 days. The Council concurred with this approach.

(c) Continued Limited Public Hearing on Appeal – Open Window School

Mr. Sarkozy referred to a memo in the desk packet proposing a process for continuing the limited public hearing on the appeal of a conditional use application by Open Window School. The continued hearing before City Council is scheduled for February 5, 2001.

In response to Mr. Degginger, Assistant City Attorney Lori Riordan said the Hearing Examiner addressed Council's four questions in the remand hearing. The Hearing Examiner's decision focused on consistency with the Comprehensive Plan and the application of the Traffic Standards Code.

There was Council consensus to proceed with the continued limited public hearing as outlined by staff with the exception that a request for additional time beyond the proposed 10 minutes per side would be entertained by Council if received.

6. Council Business

Mr. Lee participated in the Martin Luther King, Jr. Day celebration at Crossroads Community Center.

Mr. Degginger attended the ribbon-cutting ceremony at the Bellevue Art Museum.

Mrs. Marshall attended meetings of the Trans-Lake Washington Study Committee, the I-405 Corridor Committee, and the I-90 Committee.

Mr. Noble attended meetings of the Eastside Transportation Partnership (ETP).

Mr. Creighton and Mrs. Marshall attended a meeting of the Puget Sound Regional Council in which the Metropolitan Transportation Plan (Vision 2030) was discussed.

Dr. Davidson said he is pleased to serve on the City Council to fulfill the remainder of Ron Smith's term.

7. Approval of the Agenda

➡ Mr. Lee moved approval of the agenda, and Mr. Degginger seconded the motion.

➡ The motion to approve the agenda carried by a vote of 6-0.

8. Consent Calendar

Dr. Davidson requested that items 8(b) and 8(k) be pulled for Council discussion. Mr. Noble requested that item 8(i) be pulled.

- Mr. Creighton moved approval of the Consent Calendar, as amended, and Mr. Lee seconded the motion.
- The motion to approve the amended Consent Calendar carried by a vote of 6-0, and the following items were approved:
 - (a) Amended Minutes of November 6, 2000 Regular Session
Minutes of November 20, 2000 Study Session
Minutes of November 20, 2000 Regular Session
Minutes of November 21, 2000 Special Meeting
Minutes of November 27, 2000 Extended Study Session
Minutes of December 4, 2000 Study Session
Minutes of December 4, 2000 Regular Session
Minutes of December 11, 2000 Study Session
Minutes of December 11, 2000 Regular Session
Minutes of December 12, 2000 Special Meeting
Minutes of December 18, 2000 Special Meeting
Minutes of December 21, 2000 Special Meeting
 - (c) Motion to approve payment of claims for the period ending December 8, 2000 and payroll for the period November 16 through November 30, 2000.
 - (d) Motion to approve payment of claims for the period ending December 22, 2000 and payroll for the period December 1 through December 15, 2000.
 - (e) Motion to approve payment of claims for the period ending December 31, 2000 and payroll for the period December 16 through December 31, 2000.
 - (f) Network and server administration contracts
 - (1) Resolution No. 6499 authorizing execution of an agreement with TEK Systems, Inc. for providing network and server administration services in an amount up to \$90,000.
 - (2) Resolution No. 6500 authorizing execution of an agreement with Gravity Square, Inc. to provide full server administration services in an amount of \$198,000 as an interim contract while responses to a Request for Proposal (RFP) are evaluated and competitive contracts are negotiated.
 - (g) Ordinance No. 5267 amending Ordinance No. 5217 annexing to the City a 7.19-acre parcel located in the Newcastle Subarea at 6031 168th Place SE, commonly referred to as the Martin-Paschal Annexation, to correct deficiencies in the legal description.
 - (h) Motion to award Bid No. 0045 for renovation of space on the first floor of City Hall in order to provide a modernized forensic facility in the amount of \$246,640

plus Washington State sales tax to Advanced Technology Construction, LLC, as the low bidder. (CIP Project No. PS-40)

- (j) Resolution No. 6501 authorizing execution of an agreement with King County Department of Transportation for Commute Trip Reduction (CTR) implementation services in the amount of \$74,120, which is fully funded through state and federal grant funds.
- (l) Resolution No. 6502 authorizing execution of an agreement to relinquish certain sanitary sewer rights that are no longer needed by the Bellevue Utilities Department located at 604 Bellevue Way NE, King County Recording Number 4476669.

Items for Council discussion:

- (b) Resolution No. 6493 authorizing execution of Amendment #1 to the professional services agreement with J. Richard Aramburu to provide legal services to the Sammamish and East Bellevue Community Councils in connection with the Declaratory Relief Action.

Dr. Davidson explained his ongoing reluctance to provide separate legal services to the Community Councils because it reflects taxation without representation. He is in favor of establishing separate taxing districts for the Community Council areas in order to support this type of expenditure. He will not support the resolution.

- ➡ Mr. Degginger moved to approve Resolution No. 6493, and Mr. Lee seconded the motion.
- ➡ The motion to approve Resolution No. 6493 carried by a vote of 5-1, with Dr. Davidson dissenting.
- (i) Motion to award Bid No. 0102 for construction of a traffic signal at the intersection of Bel-Red Road and 134th Avenue NE and will include turn pockets on the north and south legs as well as crosswalks across Bel-Red Road in the amount of \$220,469.20 to R. W. Scott Construction Co. as low bidder. (CIP Project No. PW-I-73)

Mr. Noble explained that he opposed a proposal before the Transportation Commission a couple of years ago to install a traffic signal at the intersection of Bel-Red Road and 134th Avenue NE. He noted that traffic signals on Northup Way, which are triggered by vehicles on the intersecting streets, have resulted in increased traffic congestion. Mr. Noble said staff members have assured him that the signal proposed under Bid No. 0102 will not operate in the same manner as those on Northup Way and that the signal will be synchronized with other signals along the corridor. Based on these assurances from staff, he will not oppose this bid award.

➡ Mr. Creighton moved to award Bid No. 0102 to R.W. Scott Construction Co., and Mr. Degginger seconded the motion.

➡ The motion to award Bid No. 0102 carried by a vote of 6-0.

- (k) Ordinance No. 5268 authorizing and providing for the acquisition of interests in land for the purpose of improvements to 112th Avenue NE in the central business district; providing for condemnation, appropriation, taking and damaging of land and property rights necessary therefore; providing for the cost thereof and directing the initiation of appropriate proceedings in the manner provided by law for said condemnation. (CIP Project No. PW-I-81)

Dr. Davidson said he is generally opposed to condemnation proceedings. This proposed action will take property currently used for parking by a dental office. He would like further discussion by Council before taking any action on the ordinance.

Mrs. Marshall said this action is related to the Access Downtown project and asked staff to comment. Transportation Director Goran Sparrman described the need to secure easements in support of upcoming improvements, previously approved by Council, to I-405 and streets in downtown Bellevue. He said the City tries to negotiate appropriate compensation and/or alternate project designs with individual property owners before initiating condemnation proceedings. Mr. Sparrman noted that a delay of three to six months could restrict the City's ability to complete construction within the current project schedule.

Jim Firestone, Senior Real Property Agent, said discussions with property owners were initiated approximately one and a half years ago. He said condemnation proceedings provide a deadline and therefore a time line from which to work in continued negotiations.

Dr. Davidson requested additional information regarding the impacts to affected properties. Mr. Firestone said he will provide this information to Council.

In response to Mr. Lee, Mr. Sparrman acknowledged the challenge of trying to balance the public and private good. He said the City makes every effort to resolve issues with private property owners.

In response to Mrs. Marshall, Mr. Sparrman said additional information can be provided to Council within one or two days. Mrs. Marshall suggested postponing action on this item.

➡ Dr. Davidson moved to postpone action on Ordinance No. 5268 to the January 22 meeting, and Mr. Degginger seconded the motion.

➡ The motion to postpone action on Ordinance No. 5268 carried by a vote of 6-0.

9. Public Hearings

- (a) Motion to open the public hearing to obtain citizen comments on the proposed Somerset View annexation

Deputy Mayor Marshall read the rules for a public hearing. She noted that Councilmembers may ask questions of any speaker, staff, or member of the public. She said Council may choose to act on the proposal tonight or postpone action to a later date.

- ➡ Mr. Lee moved to open the public hearing on the proposed Somerset View annexation, and Mr. Degginger seconded the motion.
- ➡ The motion to open the public hearing carried by a vote of 6-0.

The following citizens came forward to comment on the proposed action:

- (1) Tonya King, 13208 SE 42nd Place, submitted a petition signed by 46 residents supporting the City's annexation of the Somerset View area and the associated R-5 zoning approved by Council on November 6, 2000. She thanked Council for listening to residents' concerns regarding traffic congestion on Newport Way.
- (2) David Altaras, 13213 SE 42nd Place, said traffic on Newport Way has increased dramatically during the past few years. He is pleased the zoning of the annexation area will remain at R-5.

- ➡ Mr. Degginger moved to close the public hearing, and Mr. Lee seconded the motion.
- ➡ The motion to close the public hearing carried by a vote of 6-0.

Ordinance No. 5269 annexing to the City of Bellevue a 15.5-acre site located generally between Factoria Boulevard SE and SE Newport Way in the Factoria Subarea, commonly referred to as the Somerset View Annexation.

- ➡ Mr. Degginger moved to adopt Ordinance No. 5269, and Mr. Noble seconded the motion.
- ➡ The motion to adopt Ordinance No. 5269 carried by a vote of 6-0.

- (b) Motion to open the public hearing to obtain citizen comments on the proposed ordinance to vacate portions of 118th Avenue SE, south of SE 5th Street.

Mrs. Marshall read the rules for the public hearing and invited public testimony on the proposed vacation of a portion of 118th Avenue SE, south of SE 5th Street.

- ➡ Mr. Creighton moved to open the public hearing, and Mr. Noble seconded the motion.
- ➡ The motion to open the public hearing carried by a vote of 6-0.

The following citizens came forward to comment on the proposed ordinance:

- (1) Chris Cook, 2102 Bellevue Way SE, said the facility to be built by King County on the site will block the view of the Wilburton Trestle from the north. He expressed concern about the presence of toxic chemicals on the site.
 - (2) Jerry Walker, Sr., 2724 62nd Avenue SE, Mercer Island, said the proposed street vacation should not be allowed. His son lives adjacent to the street vacation parcel. He noted that King County will be building the Wilburton Siphon and Odor Control Facility at this location. He is concerned about chemical exposure and noise associated with the facility's operation, as well as the negative impact on property values.
 - (3) Jerry Walker, Jr., 11813 SE 5th Street, opposes the proposed odor control facility to be built on the street vacation parcel, which is adjacent to his home. He is concerned about noise and health impacts.
 - (4) Sharon Walker, 2724 62nd Avenue SE, Mercer Island, urged Council to deny vacation of the street. She said her son's only option is to allow the easement or King County will condemn his house. She described property down the street containing an abandoned building and rusted machinery and suggested that this site be condemned and used for the proposed odor control facility.
 - (5) Stan Hummel, Project Manager, King County Department of Natural Resources, said King County requested the street vacation in order to allow this essential public facility to be constructed. The purpose of the facility is odor and corrosion control for the Eastside Interceptor, the main sewage conveyance line from Eastside cities to the Renton Treatment Plant. The facility is designed with a brick facade and peaked, gabled roofs to be compatible with the residential nature of the area. King County has worked with the Walkers for the past year to resolve property encroachment issues. He noted that the County still needs to go through Bellevue's permitting process and request a conditional use variance prior to constructing this facility.
 - (6) Wanda Howe, 522 128th Avenue SE, said the site adjacent to the Walker property is listed as a second choice for the odor control facility. She questioned why the first site on the list is not being pursued, particularly since it meets all of the County's criteria. Ms. Howe said Mr. Walker has built a beautiful home and she urged Council to consider other alternatives.
 - (7) Chris Zimmer, 1908 130th Avenue SE, said she lived across the street from Jerry Walker for 20 years. She urged Council to deny the street vacation.
 - (8) Bill Wilbert, Right-of-Way Agent for King County, said condemnation is not an issue in this case. He said King County owns the property on which the proposed odor control facility is to be built.
- ➡ Mr. Lee moved to close the public hearing, and the motion was seconded.

- ➡ The motion to close the public hearing carried by a vote of 6-0.

In response to Mr. Degginger, Land Use Director Cristina Van Valkenburgh said the underlying zoning for this area is residential. She said the application for an odor control facility has been withdrawn by King County. Bellevue is currently reviewing an application for the addition of a fourth pipeline and a siphon. In further response, Ms. Van Valkenburgh said the original application for an odor control facility did not utilize the property now proposed for vacation.

Mr. Lee said he is pleased this issue has been brought to Council's attention. In response to a statement made during the public hearing, Mr. Lee said Council listens to citizens and carefully considers public input when making decisions. He shares residents' concerns about odors that may be generated by the proposed County facility. He would like more information on alternative locations under consideration for this facility. Mr. Lee is committed to protecting Bellevue neighborhoods and questioned the facility's impact on residents.

Mr. Noble questioned whether the street vacation is necessary in order for King County to construct the facility. He asked County staff to provide a physical description of the project. Mr. Hummel said the proposed facility is 26-feet high and fans will run continuously. The facility will reduce odors currently experienced in the community due to the Wilburton Siphon. Mr. Hummel said the street vacation is necessary in order to achieve adequate lot coverage for the building. In further response to Mr. Noble, Mr. Hummel said the building is completely enclosed and well insulated. He said an acoustical study will be conducted when the application is submitted to the City of Bellevue.

Mr. Creighton is not in favor of taking action on the street vacation until Council knows more about the project. Dr. Davidson concurred. In response to Dr. Davidson, Mr. Hummel said King County prefers to build the facility close to the interceptor (pipeline) in order to reduce costs.

Mrs. Marshall cautioned against vacating and selling this property at 50 percent of market value. She said the property is zoned residential and Council has a policy of maintaining residential areas. She is opposed to locating the odor control facility in this area and would like more information on the County's alternatives.

Ordinance No. 5270 determining the public advantage in vacating a portion of 118th Avenue SE, south of SE 5th Street, and vacating the same subject to certain conditions.

- ➡ Mr. Lee moved to deny Ordinance No. 5270, and Mr. Degginger seconded the motion.

Assistant City Attorney Lori Riordan said the law required that this issue be placed on the record for a public hearing. She acknowledged Council's reluctance to approve the proposed street vacation due to a lack of information about the County odor control facility.

Mr. Degginger said the burden is on the applicant to meet the City's street vacation criteria. He said the applicant has failed to meet this burden.

- ➡ The motion to deny Ordinance No. 5270 carried by a vote of 6-0.

10. Land Use: None.
11. Other Ordinances, Resolutions and Motions: None.
12. Unfinished Business: None.
13. Continued Oral Communications
 - (a) Tonya King, 13208 SE 42nd Place, thanked Council and City staff for working with the community to resolve Newport Way traffic issues.
14. New business: None.
15. Executive Session: None.
16. Adjournment

At 9:37 p.m., Mayor Mosher declared the meeting adjourned.

Myrna L. Basich
City Clerk

kaw